

A tall, white lighthouse with a red lantern room and a red roof, situated on a rocky island in the sea. The foreground shows a sandy beach with large, dark rocks. The sky is clear and blue.

# Local Government Pension Scheme

## A Guide to the Internal Dispute Resolution Procedure

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**Mae'r ddogfen hon ar gael yn Gymraeg / This document is available in Welsh**

## What is IDRP?

This guide will take you through the Local Government Pension Scheme (LGPS) appeals process which is known as the Internal Dispute Resolution Procedure (IDRP).

We value you as a member and are committed to providing you with a high-quality service. That is why we are always keen to receive feedback from you about our service; even if that feedback takes the form of a disagreement.

We believe it is through understanding where and how we have gone wrong that we can make the necessary changes to improve the service for everyone.

Often a problem can be fixed quickly by contacting the decision maker directly. Whether this is your employer or the Clwyd Pension Fund, the decision may have come about because of incorrect information being used or a misunderstanding.

Issues can possibly be explained and easily amended on an informal basis. Many problems are resolved this way, so please bear this in mind before completing an IDRP form, as it may save you time.

If an agreement cannot be made between you and the decision maker, you can make a formal complaint using IDRP. The IDRP forms can be downloaded from the **forms and resource section** of our website. Alternatively, we can email or post a form to you.

The IDRP process is split into two stages.

### Stage 1 IDRP

**The Stage 1 IDRP form** should be completed in order to explain what you are unhappy, aggrieved or dissatisfied about.

**When you are filling in the form, please include a copy of any written notification you have received about the disagreement you have.**

You must submit your Stage 1 form **within six months** of the date of notification of the decision, act or omission about which you are complaining.

The specified person has the discretion to allow more time than six months.

Your completed Stage 1 form should be sent to [pensions@flintshire.gov.uk](mailto:pensions@flintshire.gov.uk) or you can post it to Clwyd Pension Fund, Tŷ Dewi Sant, St. Davids Park, Ewloe, Flintshire, CH5 3FF.

Stage 1 is handled by the below nominated person who has been appointed by Flintshire County Council:

**Yunus Gajra: West Yorkshire Pension Fund**

## What happens next?

The nominated person will look at the facts of your case along with the LGPS rules and any other laws he needs to refer to. He may also need to ask you or your employer for more details to help him understand your appeal. The nominated person should reply to you in writing within two months of receiving your form. This will be to either give you his decision or to explain the reasons for any delay and confirm when you will have a decision.

You can take your complaint further to Stage 2 if:

- the nominated person has failed to issue either a decision, or a letter of explanation within three months of you making the application,
- you have not had a decision from the Stage 1 nominated person within one month of the date he said you would, or
- you have had a decision from the nominated person but you disagree with it

## Stage 2 IDRP

If you wish to proceed to Stage 2, you must complete a [Stage 2 IDRP form](#) within six months of receiving the Stage 1 decision.

**When you are filling in the form, please include a copy of any written notification you have received about the disagreement you have, a copy of the Stage 1 decision and a copy of the original written notification you received.**

The form allows you to explain why you are dissatisfied with the decision and why you want it to be reconsidered by the administrative authority.

Your completed Stage 2 form should be sent to [pensions@flintshire.gov.uk](mailto:pensions@flintshire.gov.uk) or you can post it to Clwyd Pension Fund, Tŷ Dewi Sant, St. Davids Park, Ewloe, Flintshire, CH5 3FF.

Stage 2 is usually handled by the delegated person name below on behalf of Flintshire County Council's Monitoring Officer:

**Steven Goodrum: Flintshire County Council**

## What happens next?

The Stage 2 appointed nominated person will re-examine your case, once again reviewing scheme rules and the facts of your case. He may also need to ask you or your employer for more details to help him understand the issue.

The Stage 2 nominated person should reply to you in writing within **two months** of receiving your Stage 2 form. This will be either to:

- give you his decision, which will confirm or replace the Stage 1 nominated person's decision, or
- explain the reasons for any delay and inform you when you will have a decision

## What can be appealed?

When you become a member of the LGPS many decisions are made about your membership. Some decisions are made by your employer (or ex-employer if you no longer pay LGPS contributions), whilst some are made by the administrative authority. Flintshire County Council is the administrative authority for the Clwyd Pension Fund.

If you have concerns about a decision that has been made by your employer, ex-employer or administrative authority, you should first check with the decision maker to make sure it has been based on the correct information. When you are notified of a decision, contact details will be provided so you can query any uncertainties. Details of your rights to appeal under the LGPS rules, should also be included with the decision.

### Types of administrative authority decisions

- the person's previous service or employment
- counting additional periods as membership or crediting additional pension
- the amount of any pension benefit or return of contributions that the member becomes entitled to under the LGPS rules

### Types of employers first instance decisions

- eligibility for membership
- pensionable pay or final pay
- employee's contribution rate
- entitlement to pension benefits when membership ends
- entitlement to early release of pension benefits
- all decisions under LGPS rules which state: "A person's scheme employer must decide any question concerning any other matter relating to the person's rights or liabilities under the scheme."

## What can't be appealed?

If your appeal does not fall under any of the above criteria, you will not be entitled to appeal under IDRPs.

You can't appeal just because you are unhappy with a decision. You must clearly state why you feel that you meet the criteria under LGPS rules or that new evidence should be considered.

## Who can submit an IDRPs form?

An IDRPs form can be submitted by an LGPS member (whether you pay contributions still or not). Alternatively, a form can be submitted by:

- widows
- widowers

- surviving civil partners
- surviving cohabiting partners
- dependants of a deceased member
- prospective members
- ex-members

## Can someone make a complaint on my behalf?

You can ask someone to take your complaint forward on your behalf. This could be, for example, a trade union official, welfare officer, husband, wife, partner or friend. You will need to give the person you have chosen written authority to act on your behalf.

If the IDRP applicant dies, is / becomes incapable of acting for themselves, or is under age 18, the application can be continued on behalf of the applicant by a personal representative, family member, or another person suitable to be the representative.

## What power does the IDRP representative's decision carry?

Each IDRP case is looked at by a nominated person (also known as an IDRP representative). The nominated person's decision is final and binding on the employer or administrative authority, unless you refer the nominated person's decision to the administrative authority for review under a Stage 2 appeal.

The only exemption to this is a decision from your employer or administrative authority, where the complaint is about the discretion of either the employer or administrative authority. In these cases, if the nominated person does not uphold the decision, the issue must be referred back to the body which made the decision so that it can be considered again.

**Please note:** If the decision maker is a past employer that is no longer a scheme employer, appeals should be directed to the Clwyd Pension Fund.

## Delays or no decision made for the complaint

If you wish to appeal about a delay or a lack of a decision being made about your complaint, you should first contact the relevant party (employer or administrative authority). If it is decided that there has been an issue with maladministration, the employer or administrative authority have the power to award any compensation for any loss you have suffered.

## Discretionary powers

If a decision has been made using a discretionary power and you are disputing that decision, your complaint would follow the standard two stage IDRP process. In such cases, the role of the person reviewing the disagreement is not to overturn the original decision but to make sure that the discretion has been exercised reasonably. Where this is found not to be the case, the matter should be reconsidered in a proper manner.

## Information about ill health retirements

If your complaint is about ill health retirement, you should be clear what exactly you are appealing against before starting the IDR process.

Your own doctor or hospital consultant cannot decide if you qualify for ill health retirement. However, medical evidence from them can be used to help the Independent Registered Medical Practitioner (IRMP) with their opinion.

### Employer decision

If you want to appeal about the decision to not award you ill health retirement, this will be an appeal against your employer as this is an employment issue. However, please send your completed IDR application form directly to the Clwyd Pension Fund. We will manage the IDR process for you.

Similarly, if you have been dismissed from your job and a decision has been made by your employer to not award you an ill health pension benefit, you may appeal against it through the IDR if you disagree with the decision.

If you are not happy that all relevant medical evidence was fully considered by the IRMP before their final opinion was given, you should speak to your employer about other options before considering IDR.

### Administrative authority decision

You can use IDR to appeal against the administrative authority if you disagree with the value of the ill health pension benefits awarded.

## Contacting the Clwyd Pension Fund

**Phone:** 01352 702980

**Email:** [pensions@flintshire.gov.uk](mailto:pensions@flintshire.gov.uk)

**Address:** Clwyd Pension Fund, Tŷ Dewi Sant, St. Davids Park, Ewloe, Flintshire, CH5 3FF

**Website:** <https://mss.clwydpensionfund.org.uk>

## Getting outside help from other bodies

### MoneyHelper

If you have general requests for information or guidance about your pension, you can contact:

**Address:** Money and Pensions Service, 120 Holborn, London, EC1N 2TD

**Phone:** 0800 011 3797

**Website:** <https://www.moneyhelper.org.uk/en/pensions-and-retirement>

### The Pensions Ombudsman

The Pensions Ombudsman (TPO) can investigate any type of disagreement about your pension so long as it is within three years of the original disagreement being made. However, the Pensions Ombudsman is unlikely to become involved in any particular case until IDRPs Stages 1 and 2 have been completed.

The Pensions Ombudsman may however become involved during the Internal Dispute Resolution Procedure if you are complaining about the way the case is being handled. The Pensions Ombudsman's decision is final and binding. Matters where legal proceedings have already started cannot be investigated.

The Pensions Ombudsman can be contacted at:

**Address:** 10 South Colonnade, Canary Wharf, London, E14 4PU

**Phone:** 0800 917 4487

**Email:** [enquiries@pensions-ombudsman.org.uk](mailto:enquiries@pensions-ombudsman.org.uk)

**Website:** [www.pensions-ombudsman.org.uk](http://www.pensions-ombudsman.org.uk)



[mss.clwydpensionfund.org.uk](https://mss.clwydpensionfund.org.uk)

**Clwyd Pension Fund, Tŷ Dewi Sant, St. Davids Park, Ewloe, Flintshire, CH5 3FF**

Please note that Flintshire County Council is the administrative authority of the Clwyd Pension Fund and we use your personal data in accordance with Data Protection legislation to provide you with a pension administration service. For more information about how we use your data, who we share it with and what rights you have in relation to your data, please visit the Privacy Notice on our website.